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NEWS RELEASE

Paul J. McNulty, United States Attorney for the Eastern District of Virginia, announced today that Indika Farms, Incorporated of Windsor, Virginia, waived indictment and pleaded guilty to a single count criminal information. The information charges Indika Farms with unlawful discharge of a pollutant, in violation of Title 33, United States Code, Sections 1311(a) and 1319(c)(2)(A), commonly known as the Clean Water Act. The maximum penalty for this felony offense is five years of probation, a fine of \$500,000, or both. In addition to any sentence imposed, the defendant has agreed to pay a community service contribution of \$50,000.00 to the City of Norfolk, to be used by the Norfolk Fire-Rescue Department for hazardous material training, equipment and supplies. Sentencing has been set for November 14, 2005.

The criminal information filed on June 8, 2005, alleges that Indika Farms, Incorporated on three occasions between October 1999 and December of 2003, used a sump pump and hose to deliberately discharge liquefied waste from its hog lagoon, knowing the discharge would enter Carbell Swamp in Isle of Wight County. Carbell Swamp is a water of the United States which flows into Lake Prince, a drinking water reservoir of the City of Norfolk

Each of the three discharges began in the late afternoon and continued into the night. On each occasion, the sump pump was operated for at least eight hours and discharged at least 120 gallons of waste per hour. On none of the occasions did the defendant notify the United States Environmental Protection Agency or any other state or local regulatory agency, either before or after the discharge. Nor, after any discharge, did the defendant take measures to modify the lagoon to withstand severe weather.

There is no evidence that the discharges affected the City of Norfolk's treated drinking water supply.

The investigation was conducted by the U.S. Environmental Protection Agency and the City of Norfolk Environmental Crimes Unit. Assistant United States Attorney Alan M. Salsbury is the prosecutor in this case.

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